

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

DARRELL KIMBROUGH, MSN, FNP-C, §
MARY BENARD, MSN, FNP-C, and §
TINA SPOHN-LEDFOORD, MSN, FNP-C; §

Plaintiffs, §

v. §

CIVIL ACTION NO. 2:18-CV-82-D-BR

NAEEM KHAN, M.D. and §
AMARILLO URGENT CARE, LLC, §

Defendants. §

DEFENDANTS' PRETRIAL DISCLOSURES

TO: Plaintiffs, Darrell Kimbrough, MSN, FNP-C, Mary Benard, MSN, FNP-C and Tina Spohn-Ledford, MSN, FNP-C by and through their counsel of record, Shawn D. Twing, Mullin, Hoard & Brown, LLP 500 S. Taylor, Suite 800, P. O. Box 31656, Amarillo, Texas 79120-1656 and Elizabeth A. Chermel, Mullin, Hoard & Brown, LLP 2515 McKinney Ave., Suite 900, Dallas, Texas 75201.

A. WITNESSES

1. Defendant expects to call the following witnesses at trial:

1. DEFENDANTS

Amarillo Urgent Care

Naeem Khan, M.D.

Agents and Employees, including any Custodian of Records, as listed below:

c/o

Casey Erick

Cowles & Thompson, P.C.

901 Main Street, Suite 3900

Dallas, Texas 75202

214-672-2138

Office Administrator – Cris Rico

Former Office Administrator - Melissa Chavez

Office Manager – Vicki

Nurse Practitioner – Nicole L. Slatten

Medical Assistants/Scribes – Maggie, Samantha Huerta, and Hope Catano

2. PLAINTIFFS

Darrell Kimbrough
Mary Benard
Tina Spohn-Ledford
c/o MULLIN, HOARD & BROWN, LLP
Shawn D. Twing
stwing@mhba.com
500 South Taylor, Suite 800
P. O. Box 31656
Amarillo, Texas 79120-1656
Phone: (806) 372-5050

- AND -

Elizabeth A. Chermel
bchermel@mhba.com
2515 McKinney Avenue, Suite 900
Dallas, Texas 75201
Phone: 214-754-0040

3. DEFENDANT AMARILLO URGENT CARE – PAYROLL SERVICES PROVIDER

Professional Payroll Systems, Ltd.
“ProPay” Agents and Employees, including:
Lauren Williams, Payroll Specialist
9525 Business Interstate 40
Amarillo, Texas 79124
P. O. Box 509 (79105)
(806) 356-9997

4. PROVIDER OF URGENT CARE ELECTRONIC MEDICAL RECORDS SOFTWARE & PRACTICE MANAGEMENT

DocuTAP
101 S. Phillips Ave., Suite 300
Sioux Falls, South Dakota 57104
Sales (866) 838-4543
Support (877) 697-4696

5. FORMER ATTORNEY FOR DEFENDANTS

Michael A. Warner
The Warner Law Firm
101 S.E. 11th St., Suite 301
Amarillo, Texas 79101
(806) 372-2595

6. PROVIDER OF URGENT CARE ELECTRONIC MEDICAL RECORDS SOFTWARE & BILLING SERVICES

Practice Velocity
Penny Ratzlaff, CPC (Director of Billing Support)
8777 Velocity Dr.
Machesney Park, Illinois 61115

(815) 713-2684

7. REGARDING PLAINTIFF DARRELL KIMBROUGH – ALLEGED OFFER OF EMPLOYMENT

Donita Crowder
Tirra Kenney
Concentra Health Services, Inc.
(972) 725-6422
(972) 725-6695

8. REGARDING ATTORNEY'S FEES AND EXPENSES

Casey Erick
Cowles & Thompson, P.C.
901 Main Street, Suite 3900
Dallas, Texas 75202
214-672-2138

2. Defendants may call the following witnesses if the need arises: Defendants may supplement this response, as needed or in rebuttal to Plaintiffs' pretrial disclosures.

B. DEPOSITIONS

3. Defendant expects to call the following witnesses by deposition: None at this time.

C. EXHIBITS

5. Defendants expects to offer the following exhibits:

| No. | Document Description | Document No. |
|-----|---|--------------|
| 1 | Detailed Payroll Report- Mary Benard from 12/21/2016 through 6/29/2018 | 001-102 |
| 2 | Chase Bank Statement Ma 2018 | 103-107 |
| 3 | Detailed Payroll Report- Darrell Kimbrough from 1/18/2017 to 5/23/2018 | 110-139 |
| 4 | Payroll History for Tina Spohn-Ledford from 9/14/16 to 5/23/18 | 140-146 |
| 5 | Payroll Register for Tina Spohn-Ledford from 6/24/2015 through 9/11/2018 | 147-177 |
| 6 | Detailed Payroll Report- Tina Spohn-Ledford from 9/14/2016 through 5/23/18 | 178-259 |
| 7 | Time Sheets (Summary from Propay; Detailed report from Timetrax, Payroll History) | D*1-893 |
| 8 | Payroll History for Tina Spohn-Ledford | D*194-198 |

| | | |
|----|---|-----------------------|
| 9 | Huerta Statement | D*894 |
| 10 | Documents regarding Darrell Kimbrough | D*894-903 and 910-913 |
| 11 | Huerta-Catano DK chart totals | D*895 |
| 12 | Warner Law Firm letter to Concentra | D*896 |
| 13 | Noncompete letter to Concentra | D*898 |
| 14 | Cough Fever Chart | D*901 |
| 15 | Flu Chart | D*902 |
| 16 | Toe Injury Chart | D*903 |
| 17 | Recordings and videos | D*904-909 |
| 18 | Exemplar Charts | D*910-913 |
| 19 | CFR and charting estimates | D*914-971 |
| 20 | Combined report of Plaintiffs Feb 2017-Feb 2018 | D*1000 |
| 21 | New EMR login information | D*1001-10021 |
| 22 | Supplement to Ledford Records | D*1022-1034 |
| 23 | Tina Spohn-Ledford Answers to Interrogatories | |
| 24 | Darrell Kimbrough Answers to Interrogatories | |
| 25 | Mary Bernard's Answers to Interrogatories | |
| 26 | Darrell Kimbrough Contract | DK 2-3 |
| 27 | Mary Bernard Contract | MB 54-62 |
| 28 | Tina Spohn-Ledford Contracts | TSL 52-71 |
| 29 | Employee Handbook | D*1035-1047 |

6. Defendants may offer the following exhibits if the need arises:

| No. | Document Description | Document No. |
|-----|---|--------------|
| 1 | DocuTap Audit results produced September 20, 2019 | DT – 1-29 |

| | | |
|---|-------------------------------------|----------|
| 2 | PracticeVelocity subpoenaed records | 1-761 |
| 3 | Darrell Kimbrough records | DK 1 |
| 4 | Mary Bernard records | MB 1-53 |
| 5 | Tina Spohn-Lepford records | TSL 1-71 |

Defendants reserve the right to amend these disclosures in response to Plaintiffs' disclosures or as necessary prior to trial.

Respectfully submitted,

COWLES & THOMPSON, PC

By: 

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Texas Bar No. 24028564
Email: cerick@cowlesthompson.com

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Suite 3900
Dallas, Texas 75202
Tel. (214) 672-2138
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2019, a copy of the foregoing was filed electronically using the Court's CM/ECF system and served in accordance with the Federal Rules of Civil Procedure. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing.

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By: 

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